P.R. No. 5583/06
Presented by Shri M.F. Haider
dated 9/10/06

SINGLE BENCH (A)

CF/002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. (C) NO. 5563 /2006

PETITIONER : Dr.Vijay Kumar Soni
Plaintiff
S/o Late Sunderlal Soni
aged about 43 years
R/o Behind National Educational Society, Kailash Nagar, Sikola, Durg, P.H.No. 17, Ward No. 17, Durg, Tahsil & Distt. Durg (C.G.)

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VERSUS

RESPONDENTS DEFENDANTS : 1. **COMMISSIONER**
Municipal Corporation Durg (C.G.)

2. State of Chhattisgarh
through Collector
Durg (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

(31)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5563/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.12.2006

Shri D.N. Prajapati, Counsel for the petitioner.

Heard on admission.

By way of this Writ Petition filed under Article 227 of the Constitution of India, the petitioner has challenged the legality, validity and propriety of the order dated 29.09.2006 passed by the VII Civil Judge Class-II, Durg (C.G.) in Civil Suit No.2-A/2006, by which, his application filed under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, for amendment of the plaint, has been dismissed by the said Court.

A perusal of the records would show that the plaintiff has filed a suit for declaration of title and also for permanent injunction against the Municipal Corporation, Durg and the State of Chhattisgarh. He has also prayed that the Corporation be directed to reconstruct the demolished portion. The suit was based upon title. In the aforesaid suit, the plaintiff has sought amendments stating many facts pertaining to the illegality of the action of demolition undertaken by the Corporation. He has prayed for incorporating various legal provisions which, according to the plaintiff, are relevant for the purpose of demolition etc.

The trial Court has dismissed this application holding that the amendments proposed are not within the purview of the suit and it appears to be creature of an afterthought.

I have gone through the plaint and have also gone through the proposed amendments.

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP-5563/01 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the opinion of this Court, for the purpose of reliefs claimed in the plaint, such amendments are not necessarily required to be incorporated in the plaint. There is no illegality in the order passed by the trial Court in dismissing the amendment application. There is no merit in the petition and the same is dismissed in limine. **Sd/-** **Sunil Kumar Sinha** **Judge**	

P.T.O.